



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

December 6, 2000

Mr. Richard E. Bonner, P.E.
Deputy District Engineer
Project Management Division
U.S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

Re: Exemption from permit requirements
Project : Horseshoe Cove Maintenance Dredging

Dear Mr. Bonner:

This is to acknowledge receipt of your application to Maintenance Dredge the Horseshoe Cove navigation channel. The proposed maintenance dredging project is located in the Gulf of Mexico, south of the town of Horseshoe Beach, within the boundaries of the Big Bend Seagrass Aquatic Preserve, Outstanding Florida Waters, Class II Waters, conditionally approved and prohibited shellfish harvesting areas, Dixie County.

The project was originally permitted in 1993 under Wetland Resource Management Permit No. 152332769. The permit expired in 1998. The applicant (USACOE) applied for a new Environmental Resource Permit (ERP) in 1999 (File No. 0163891-001-EI).

Based upon the application information (File No. 0163891-001-EI), forms, drawings, construction plans and specifications and other documents submitted to date, the proposed project appears to qualify as an activity which is exempt from the need for a Department coastal construction permit under Chapter 161.041 Florida Statutes, and the need for an environmental resource permit under Chapter 373.406, Florida Statutes and Chapter 403.813, Florida Statutes.

Per s. 403.813(2)(f), F.A.C., the Department has determined that the project as proposed is exempt from the permit requirements specified in Chapter 373, Florida Statutes. This decision in part was made because the project was conducted previously without incident; the project has become routine in nature; and per s. 373.406(6), F.A.C., the proposed project is expected to have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the state. Also, the applicant has demonstrated that the project currently proposed meets the exemption criteria specified under s. 403.813(2)(f), F.A.C., in that the spoil material is to be

"More Protection, Less Process"

Printed on recycled paper.

removed and deposited in a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state. Also, per the construction plans and specifications provided for the proposed project, it is apparent that the work will be conducted in compliance with s. 370.12(2)(d), F.A.C., and that best management practices for sediment control will be utilized to prevent turbidity violations during the maintenance dredging operation.

This determination is based solely on the information provided to the Department and the statutes and rules in effect when the application was submitted. This determination may not be valid if changes occur to the statutes and rules. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required.

This determination (that your activity qualifies for an exemption) does not relieve you from the need to comply with all applicable water quality standards during the construction. Activities conducted under this exemption must be executed using appropriate best management practices and in a manner which does not cause water quality violations, pursuant to rule 62-302, F.A.C. All construction related activities will be conducted in a manner which strictly adheres to the construction plans and specification developed for this project.

This letter does not relieve you of the responsibility to obtaining other permits (Federal, State, or local) which may be required for the project.

The determination that your project qualifies as an exempt activity pursuant to s. 373.406(6), F.A.C., and s. 403.813(2)(f), F.A.C., may be revoked if the project is substantially modified, or if the basis for the exemption is determined to be materially incorrect, or if the project results in water quality violations. Any changes made in the construction plans or location of the project may necessitate a permit or certification from the Department. Therefore, you are advised to contact the Department before beginning the project and before beginning any work in waters or wetlands that are not specifically described in your submittal.

This letter acknowledges that the proposed activity is exempt from permitting requirements and is a final determination unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, Florida Statutes, before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth in the attached notice.

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of exemption have a right to request an administrative hearing on the Department's decision that the proposed activity qualifies for this exemption.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a final determination that the proposed activity is not authorized under the exemption established above. If a timely

and sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this determination automatically becomes only proposed agency action subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this determination until the deadlines noted in the attached notice for filing a petition for an administrative hearing or request for an extension of time has expired.

Under rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

The Department will not publish notice of this determination. *Publication of this notice by you is optional and not required for you to proceed.* However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required permits.

If you wish to limit the time within which *all* substantially affected persons may request an administrative hearing, you may elect to publish, at your own expense, the attached notice in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place. A single publication will suffice.

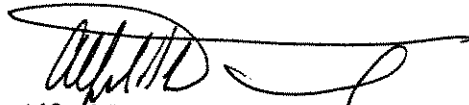
If you wish to limit the time within which any *specific* person(s) may request an administrative hearing, you may provide such person(s), by certified mail, a copy of this determination, including the attached notice.

For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of sections 50.011 and 50.031, F.S. In the event you do publish this notice, within seven days of publication, you must provide to the following address a certification or affidavit of publication issued by the newspaper. If you provide direct written notice to any person as noted above, you must provide to the following address a copy of the direct written notice.

Mr. Richard E. Bonner
December 6, 2000
Page 4

Please see attached a copy of the exemption and note that all specific conditions in the rule must be met in order to qualify for this exemption. If you have any questions, please contact Mr. Michael C. Corrigan at 850/487-4471 ext. 122.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alfred B. Devereaux, Jr.', with a long horizontal flourish extending to the right.

Alfred B. Devereaux, Jr., Director
Office of Beaches and Coastal Systems

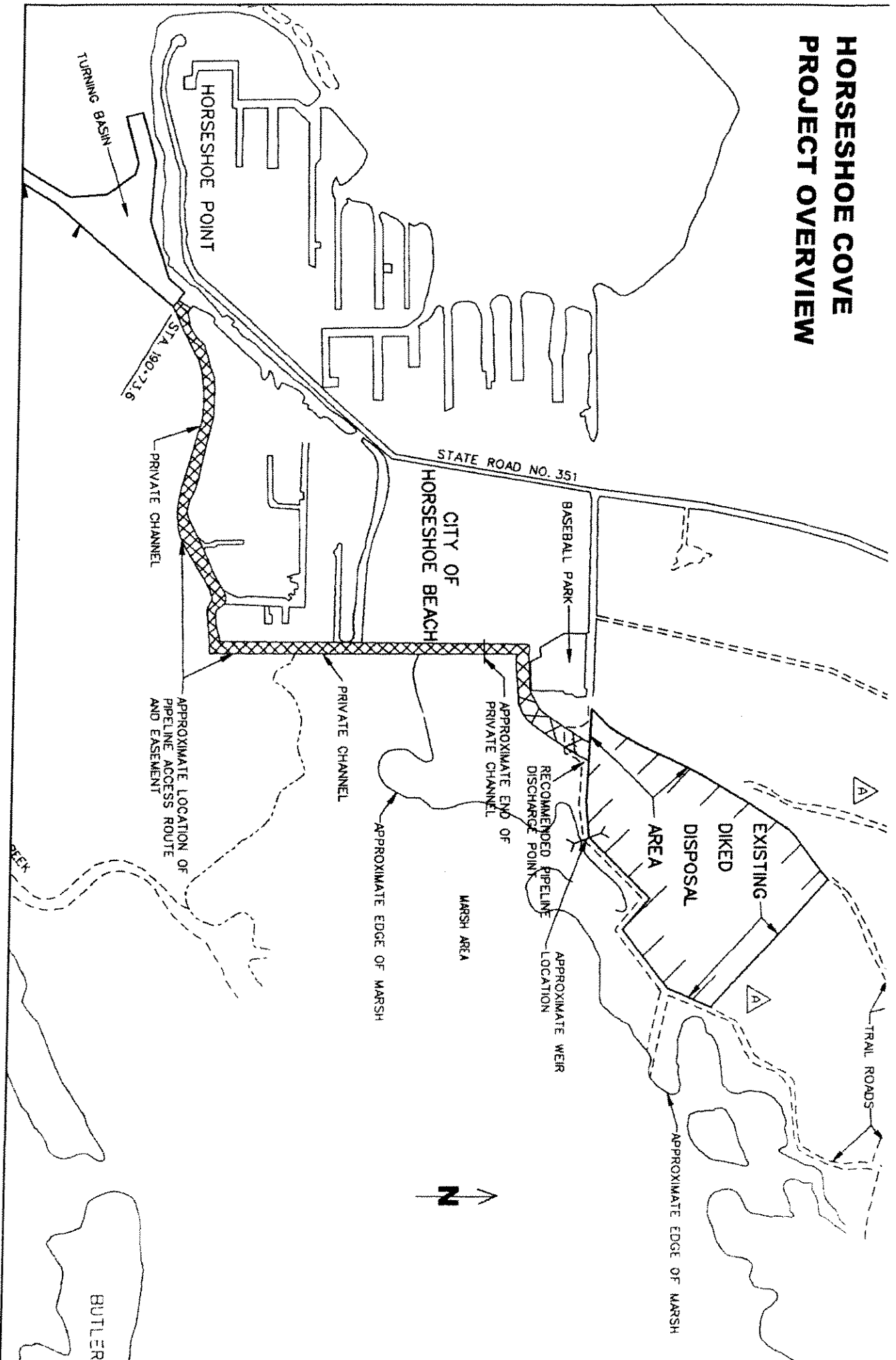
mcc/ABD

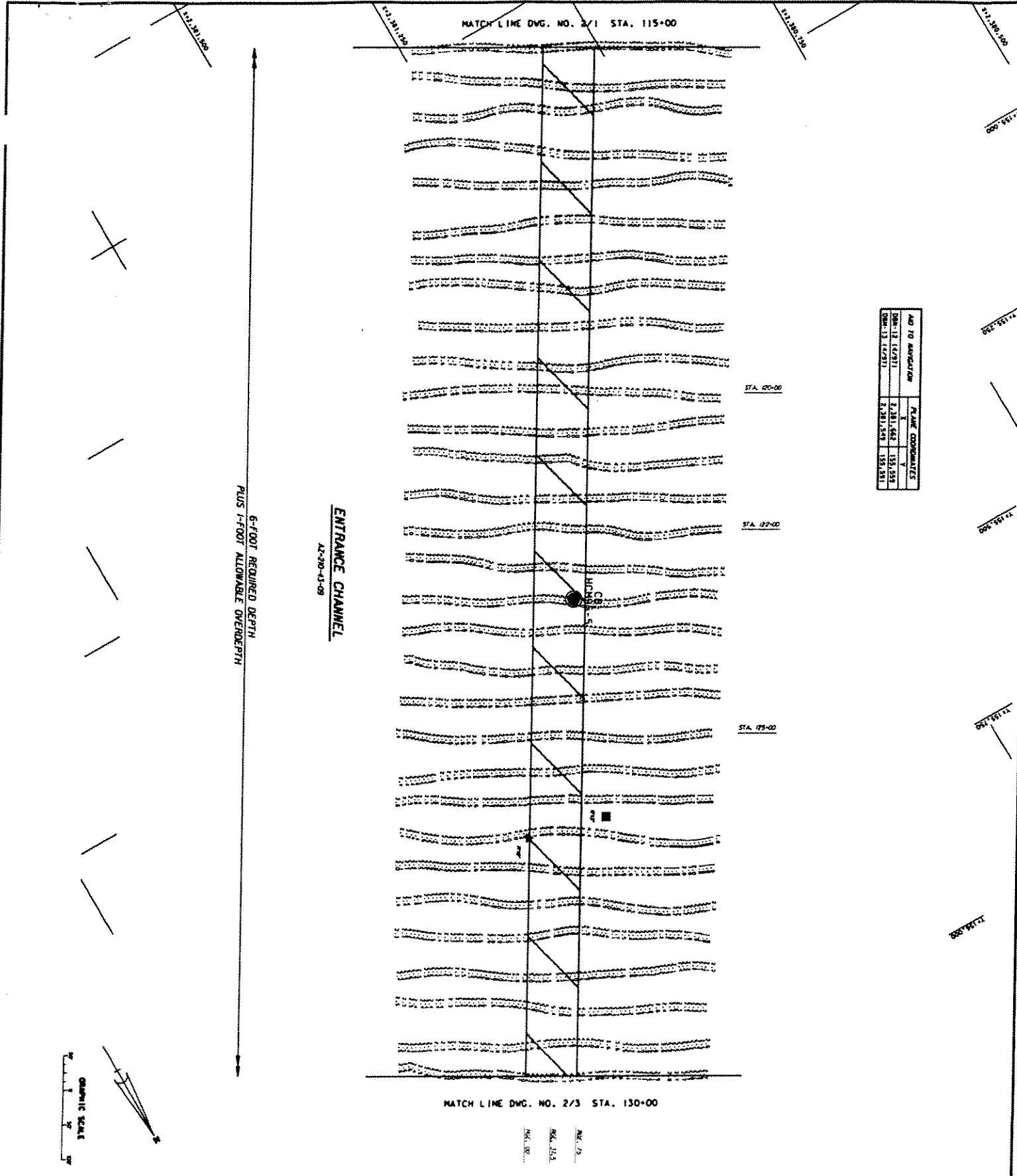
cc:

Jeremy Tyler, Program Administrator-DEP/Northeast District Office
Matt Miller, USACE, Jacksonville
Don Fore, USACE, Jacksonville
Seth Blitch, DEP, Crystal River
David Heuberger, DACS, Cedar Key
OBCS File

DATE: OCTOBER 1999 SHEET 1 OF 10

HORSESHOE COVE PROJECT OVERVIEW



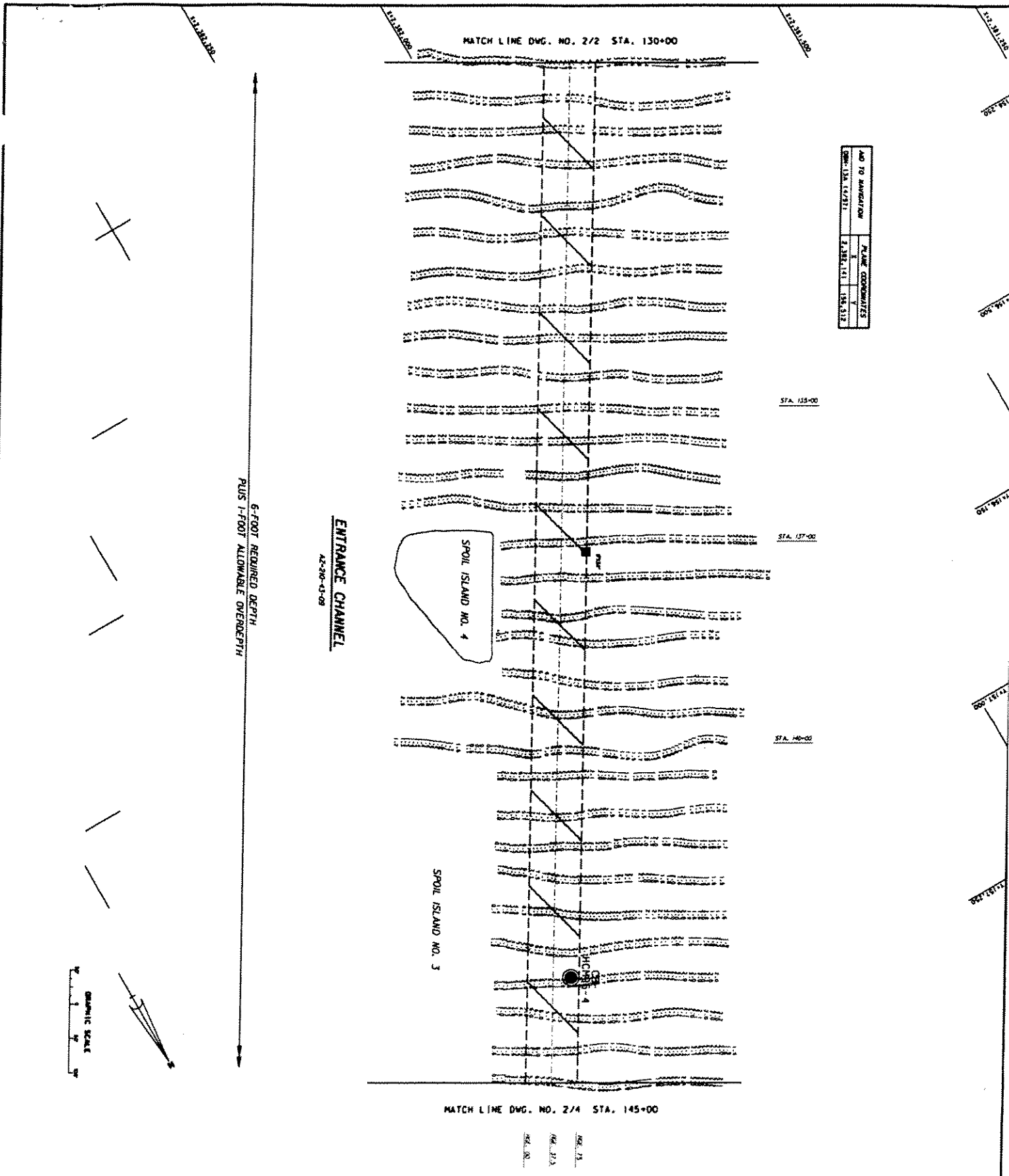


DRAWINGS TO ACCOMPANY THE
APPLICATION FOR WATER QUALITY
CERTIFICATE SUBMITTED TO THE
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

APPLICANT: U.S. ARMY CORPS OF ENGINEERS

PROJECT: MAINTENANCE DREDGING, 7-FOOT PROJECT
HORSESHOE COVE, DIXIE COUNTY, FLORIDA

DATE: OCTOBER 1999 SHEET 3 OF 10



DRAWINGS TO ACCOMPANY THE
APPLICATION FOR WATER QUALITY
CERTIFICATE SUBMITTED TO THE
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

APPLICANT: U.S. ARMY CORPS OF ENGINEERS

PROJECT: MAINTENANCE DREDGING, 7-FOOT PROJECT
HORSESHOE COVE, DIXIE COUNTY, FLORIDA

DATE: OCTOBER 1999 SHEET 4 OF 10

MATCH LINE DWG. NO. 2/3 STA. 145+00

STA. 146+00

STA. 150+00

STA. 155+00

MATCH LINE DWG. NO. 2/5 STA. 160+00

ENTRANCE CHANNEL

12-20-13-09

SPOIL ISLAND NO. 5

SPOIL ISLAND NO. 3

6-FOOT REQUIRED DEPTH
PLUS 1-FOOT ALLOWABLE OVERDEPTH

AD TO NAVIGATION	PLANE COORDINATES
100+12 (14/92)	1-181.013 (157.819)
100+13 (14/92)	1-182.187 (157.863)

GRAPHIC SCALE



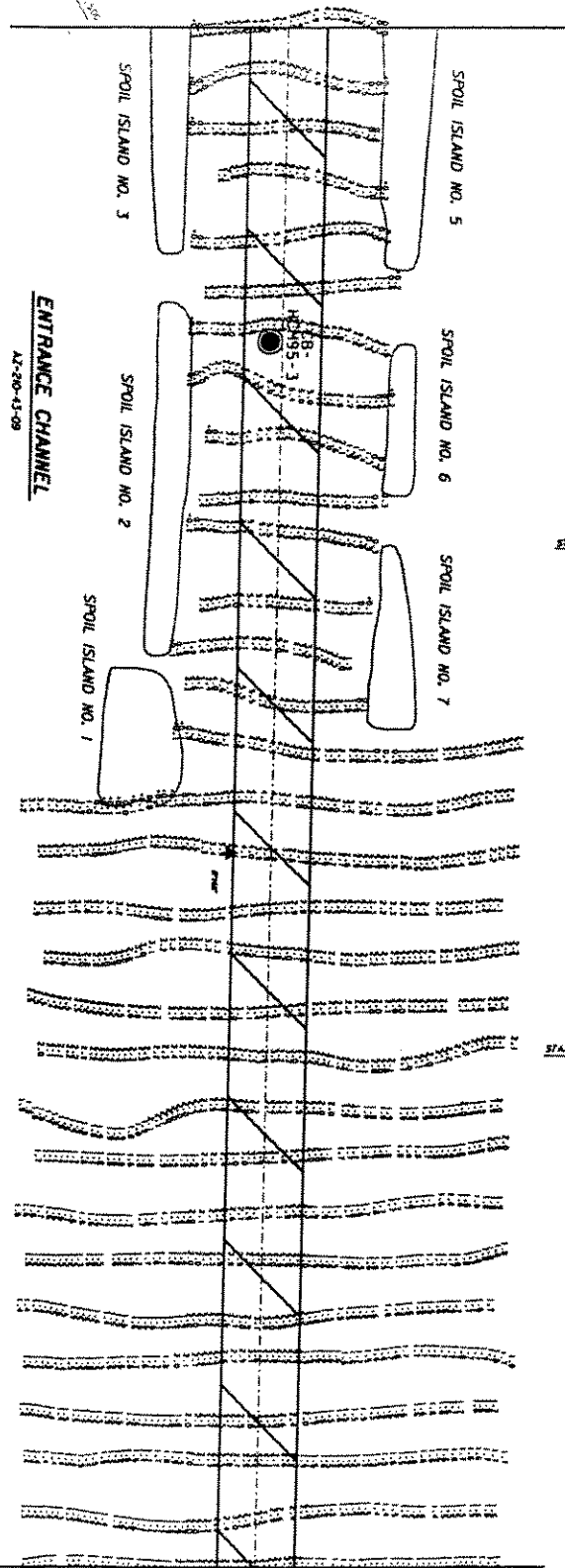
APPLICANT: U.S. ARMY CORPS OF ENGINEERS

PROJECT: MAINTENANCE DREDGING, 7-FOOT PROJECT
HORSESHOE COVE, DIXIE COUNTY, FLORIDA

DATE: OCTOBER 1999 SHEET 5 OF 10

DRAWINGS TO ACCOMPANY THE
APPLICATION FOR WATER QUALITY
CERTIFICATE SUBMITTED TO THE
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

MATCH LINE DWG. NO. 2/4 STA. 160+00



MATCH LINE DWG. NO. 2/6 STA. 175+00

6-FOOT REQUIRED DEPTH
PLUS 1-7000' ALLOWABLE OVERDEPTH

NO TO NAVIGATION	PLANE COORDINATES
000+14 (14+31)	2,383,181 159,182

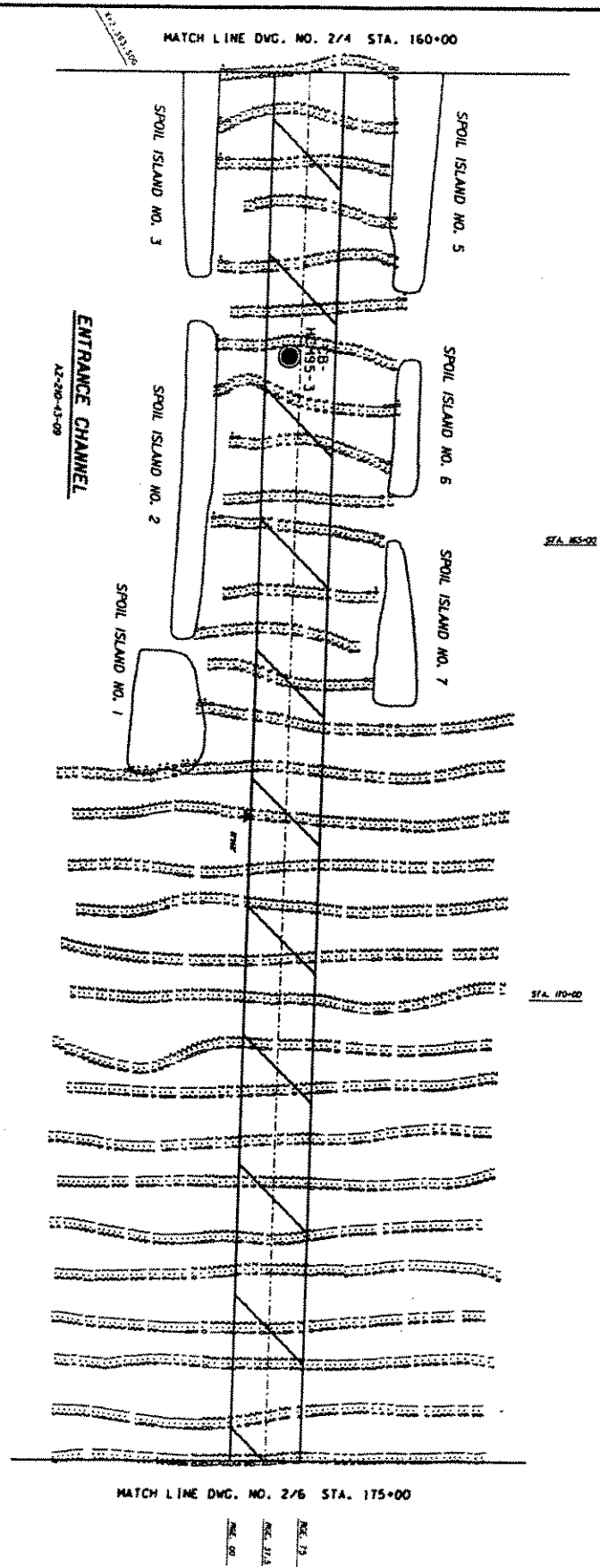
GRAPHIC SCALE
0 1 2 3 4 5 6 7 8 9 10

DRAWINGS TO ACCOMPANY THE
APPLICATION FOR WATER QUALITY
CERTIFICATE SUBMITTED TO THE
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

APPLICANT: U.S. ARMY CORPS OF ENGINEERS

PROJECT: MAINTENANCE DREDGING, 7-FOOT PROJECT
HORSESHOE COVE, DIXIE COUNTY, FLORIDA

DATE: OCTOBER 1999 SHEET 6 OF 10



NO. TO MAINTAIN	PLANE COORDINATES
100-10-15-21	1-10-10-10
1-10-10-10	1-10-10-10
1-10-10-10	1-10-10-10



DRAWINGS TO ACCOMPANY THE
APPLICATION FOR WATER QUALITY
CERTIFICATE SUBMITTED TO THE
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

APPLICANT: U.S. ARMY CORPS OF ENGINEERS

PROJECT: MAINTENANCE DREDGING, 7-FOOT PROJECT
HORSESHOE COVE, DIXIE COUNTY, FLORIDA

DATE: OCTOBER 1999 SHEET 6 OF 10

MATCH LINE DWG. NO. 2/5 STA. 175+00

AD TO ABUTMENT	PLANE COORDINATES
CH. 15 (4.911)	1,384,356
CH. 16 (4.911)	1,384,356
CH. 17 (4.911)	1,384,356
CH. 18 (4.911)	1,384,356
CH. 19 (4.911)	1,384,356
CH. 20 (4.911)	1,384,356
CH. 21 (4.911)	1,384,356
CH. 22 (4.911)	1,384,356
CH. 23 (4.911)	1,384,356
CH. 24 (4.911)	1,384,356
CH. 25 (4.911)	1,384,356
CH. 26 (4.911)	1,384,356
CH. 27 (4.911)	1,384,356
CH. 28 (4.911)	1,384,356
CH. 29 (4.911)	1,384,356
CH. 30 (4.911)	1,384,356
CH. 31 (4.911)	1,384,356
CH. 32 (4.911)	1,384,356
CH. 33 (4.911)	1,384,356
CH. 34 (4.911)	1,384,356
CH. 35 (4.911)	1,384,356
CH. 36 (4.911)	1,384,356
CH. 37 (4.911)	1,384,356
CH. 38 (4.911)	1,384,356
CH. 39 (4.911)	1,384,356
CH. 40 (4.911)	1,384,356
CH. 41 (4.911)	1,384,356
CH. 42 (4.911)	1,384,356
CH. 43 (4.911)	1,384,356
CH. 44 (4.911)	1,384,356
CH. 45 (4.911)	1,384,356
CH. 46 (4.911)	1,384,356
CH. 47 (4.911)	1,384,356
CH. 48 (4.911)	1,384,356
CH. 49 (4.911)	1,384,356
CH. 50 (4.911)	1,384,356
CH. 51 (4.911)	1,384,356
CH. 52 (4.911)	1,384,356
CH. 53 (4.911)	1,384,356
CH. 54 (4.911)	1,384,356
CH. 55 (4.911)	1,384,356
CH. 56 (4.911)	1,384,356
CH. 57 (4.911)	1,384,356
CH. 58 (4.911)	1,384,356
CH. 59 (4.911)	1,384,356
CH. 60 (4.911)	1,384,356
CH. 61 (4.911)	1,384,356
CH. 62 (4.911)	1,384,356
CH. 63 (4.911)	1,384,356
CH. 64 (4.911)	1,384,356
CH. 65 (4.911)	1,384,356
CH. 66 (4.911)	1,384,356
CH. 67 (4.911)	1,384,356
CH. 68 (4.911)	1,384,356
CH. 69 (4.911)	1,384,356
CH. 70 (4.911)	1,384,356
CH. 71 (4.911)	1,384,356
CH. 72 (4.911)	1,384,356
CH. 73 (4.911)	1,384,356
CH. 74 (4.911)	1,384,356
CH. 75 (4.911)	1,384,356
CH. 76 (4.911)	1,384,356
CH. 77 (4.911)	1,384,356
CH. 78 (4.911)	1,384,356
CH. 79 (4.911)	1,384,356
CH. 80 (4.911)	1,384,356
CH. 81 (4.911)	1,384,356
CH. 82 (4.911)	1,384,356
CH. 83 (4.911)	1,384,356
CH. 84 (4.911)	1,384,356
CH. 85 (4.911)	1,384,356
CH. 86 (4.911)	1,384,356
CH. 87 (4.911)	1,384,356
CH. 88 (4.911)	1,384,356
CH. 89 (4.911)	1,384,356
CH. 90 (4.911)	1,384,356
CH. 91 (4.911)	1,384,356
CH. 92 (4.911)	1,384,356
CH. 93 (4.911)	1,384,356
CH. 94 (4.911)	1,384,356
CH. 95 (4.911)	1,384,356
CH. 96 (4.911)	1,384,356
CH. 97 (4.911)	1,384,356
CH. 98 (4.911)	1,384,356
CH. 99 (4.911)	1,384,356
CH. 100 (4.911)	1,384,356

ENTRANCE CHANNEL

AZ-90-4-05

6-FOOT REQUIRED DEPTH
PLUS 1-FOOT ALLOWABLE OVERDEPTH

NORTHERLY LIMIT OF PROJECT

STA. 00+73.4

TURNING BASIN

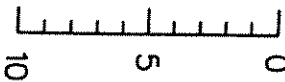
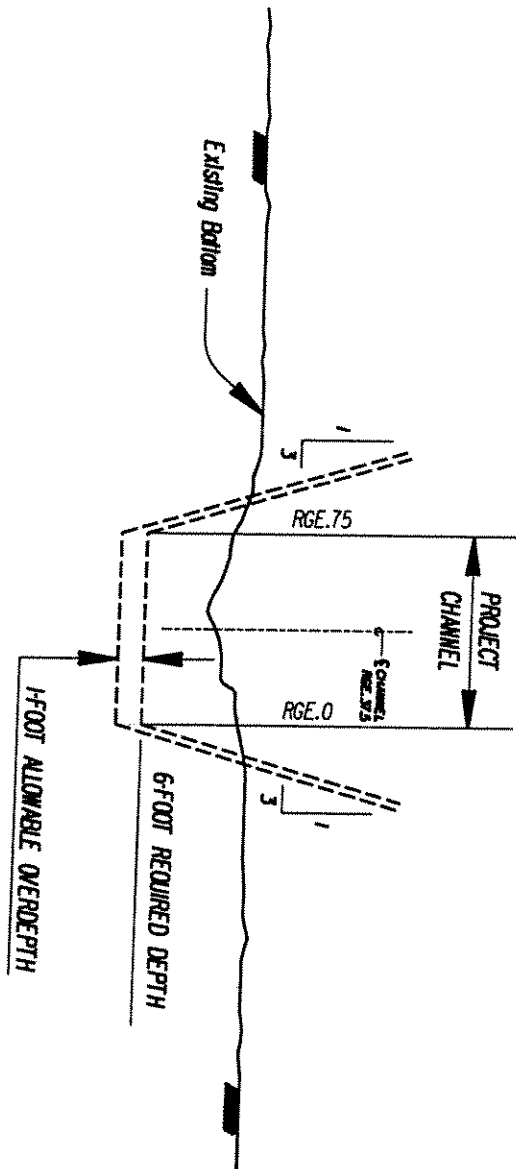
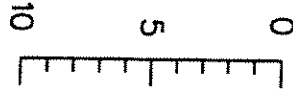
APPLICANT: U.S. ARMY CORPS OF ENGINEERS

PROJECT: MAINTENANCE DREDGING, 7-FOOT PROJECT
HORSESHOE COVE, DIXIE COUNTY, FLORIDA

DATE: OCTOBER 1999 SHEET 7 OF 10

DRAWINGS TO ACCOMPANY THE
APPLICATION FOR WATER QUALITY
CERTIFICATE SUBMITTED TO THE
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

ELEVATION IN FEET-MEAN LOWER LOW WATER

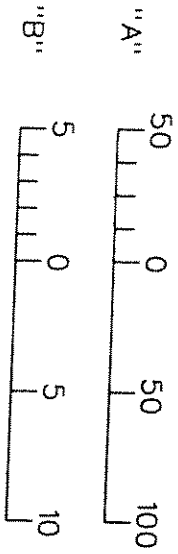


ELEVATION IN FEET-MEAN LOWER LOW WATER

STA. 171+00

SCALES: HORIZ. "A"
VERT. "B"

GRAPHIC SCALES

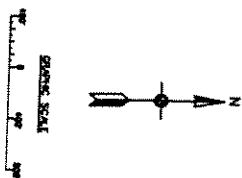
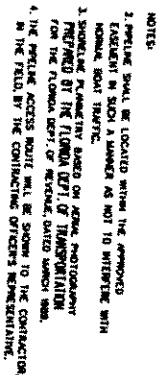


DRAWINGS TO ACCOMPANY THE
APPLICATION FOR WATER QUALITY
CERTIFICATE SUBMITTED TO THE
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

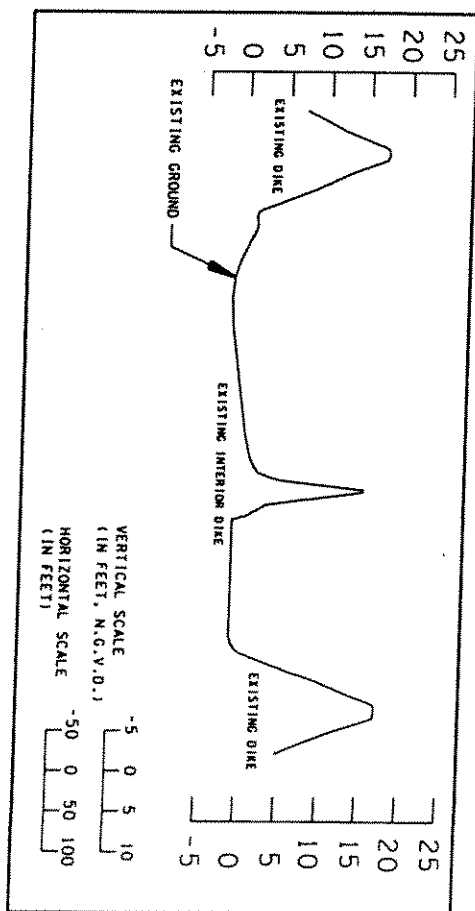
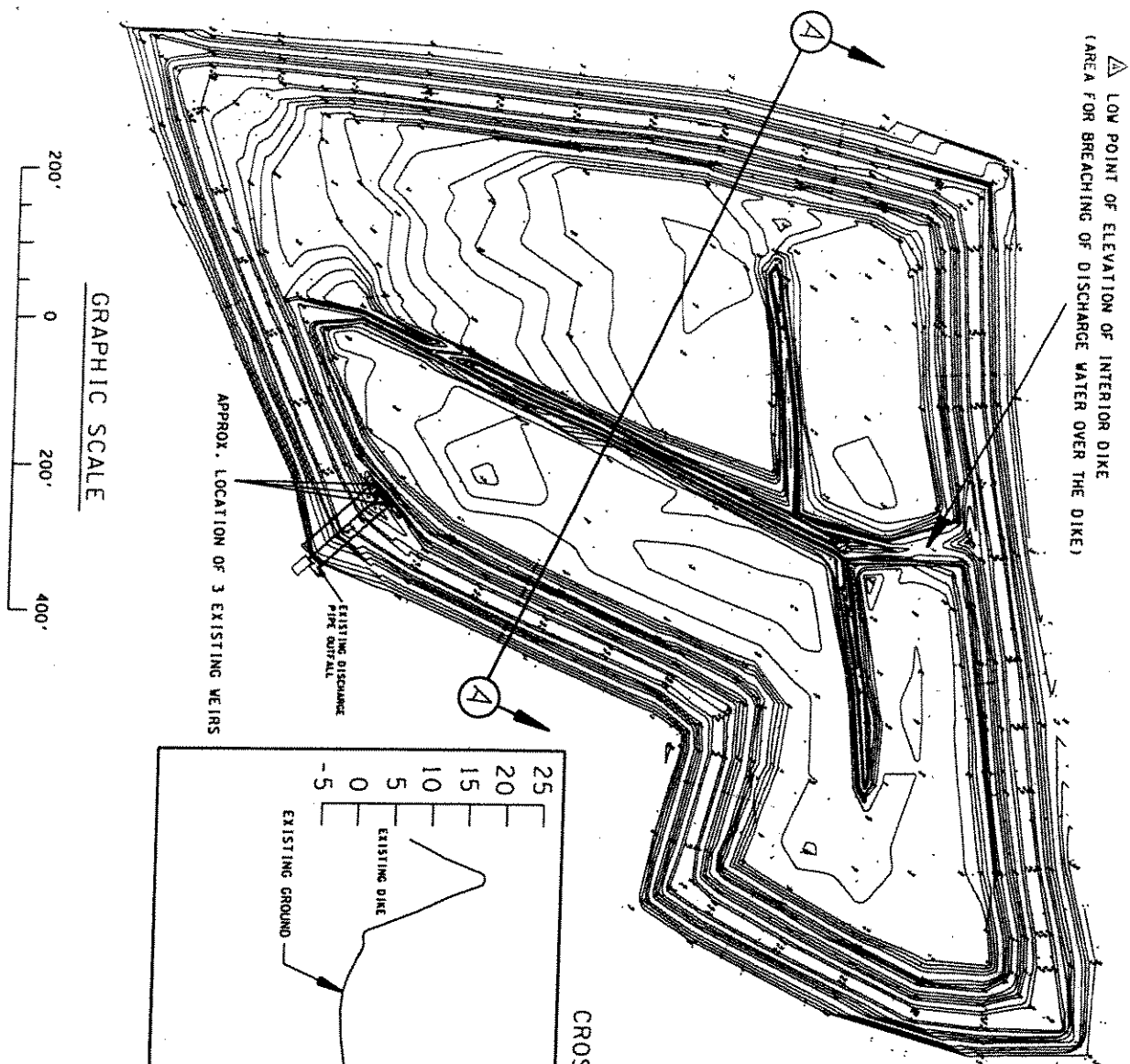
APPLICANT: U.S. ARMY CORPS OF ENGINEERS

PROJECT: MAINTENANCE DREDGING, 7-FOOT PROJECT
HORSESHOE COVE, DIXIE COUNTY, FLORIDA

DATE: OCTOBER 1999 SHEET 8 OF 10



DATE: OCTOBER 1999 SHEET 9 OF 10



CROSS SECTION A-A

DRAWINGS TO ACCOMPANY THE
APPLICATION FOR WATER QUALITY
CERTIFICATE SUBMITTED TO THE
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

APPLICANT: U.S. ARMY CORPS OF ENGINEERS

PROJECT: MAINTENANCE DREDGING, 7-FOOT PROJECT
HORSESHOE COVE, DIXIE COUNTY, FLORIDA

DATE: OCTOBER 1999 SHEET 10 OF 10